

2013 DRAFTING REQUEST

Bill

Received: **12/19/2012** Received By: **chanaman**
 Wanted: **As time permits** Same as LRB:
 For: **Frederick Kessler (608) 266-5813** By/Representing: **himself and Rick**
 May Contact: Drafter: **chanaman**
 Subject: **Criminal Law - guns and weapons** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Kessler@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Ban certain types of high-velocity bullets

Instructions:

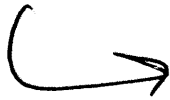
See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 12/20/2012	kfollett 1/12/2013	phenry 1/14/2013	_____			
/P1	chanaman 2/8/2013	kfollett 2/8/2013	jmurphy 2/8/2013	_____	sbasford 1/14/2013		Crime
/1	chanaman 2/18/2013	kfollett 2/18/2013	jmurphy 2/18/2013	_____	srose 2/8/2013	srose 2/8/2013	Crime
/2				_____	srose	srose	Crime

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				<u> </u>	2/19/2013	2/19/2013	

FE Sent For:



Not
Needed

<END>

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/P1	chanaman 2/8/2013	kfollett 2/8/2013	jmurphy 2/8/2013	_____	sbasford 1/14/2013		Crime
/1		12/5f 2/18	jm 2/18	_____	srose 2/8/2013	srose 2/8/2013	Crime

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/P1	chanaman 2/8/2013	kfollett 2/8/2013	jmurphy 2/8/2013	_____	sbasford 1/14/2013		Crime
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/P1		115f 2/8	_____	_____	sbasford 1/14/2013	_____	_____
FE Sent For:			_____	self			

<END>

Crime
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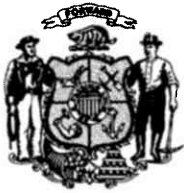
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/?	chanaman	1/15/12	1/14/12	ph			Crime

FE Sent For:

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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0894/7

CMH: kjf

Tues cmth

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1

for cat
AN ACT ...; relating to: prohibition on certain bullets and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law does not place restrictions on the type of ammunition or bullets an individual can possess. This bill prohibits a person, with certain exceptions such as for law enforcement, from selling, transporting, manufacturing, or possessing any hollowpoint bullet, any bullet that expands or flattens easily in the human body, or any bullet with a hard envelope that does not entirely cover the core of the bullet. An individual who violates the prohibition is guilty of a Class H felony and is subject to a fine of up to \$10,000, imprisonment of up to six years, or both. This bill also adds the new crime to lists of certain crimes that may increase the penalty or carry other consequences. For instance, this bill adds the crime to the list of violent crimes in a school zone so that if an individual sells, transports, manufactures, or possesses such ammunition on the premises of a school or within 1,000 feet from the premises of a school, the maximum term of imprisonment is increased by five years, and, in addition, a person who commits this crime may not possess body armor.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 301.048 (2) (bm) 1. a. of the statutes is amended to read:

2 301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195
3 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,
4 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (4) or (5), 940.195 (4)
5 or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1.
6 or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3), 940.45 (1)
7 to (3), 941.20 (2) or (3), 941.26, 941.294 (1), 941.30, 941.327, 943.01 (2) (c), 943.011,
8 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.30, 943.32, 946.43,
9 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07,
10 948.08, 948.085, or 948.30.

History: 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; 1997 a. 27, 133, 181, 283; 1999 a. 9; 2001 a. 109; 2005 a. 277; 2007 a. 116; 2009 a. 28; 2011 a. 38.

11 **SECTION 2.** 938.208 (1) (a) of the statutes is amended to read:

12 938.208 (1) (a) Probable cause exists to believe that the juvenile has committed
13 a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05,
14 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 941.294 (1), 943.02 (1), 943.23
15 (1g), 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025, 948.03, or 948.085
16 (2), if committed by an adult.

History: 1995 a. 77, 352; 1999 a. 9; 2001 a. 16, 61, 109; 2005 a. 277, 344; 2007 a. 97.

17 **SECTION 3.** 938.34 (4m) (b) 1. of the statutes is amended to read:

18 938.34 (4m) (b) 1. The juvenile has committed a delinquent act that would be
19 a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),
20 940.31, 941.20 (3), 941.294 (1), 943.02 (1), 943.23 (1g), 943.32 (2), 947.013 (1t), (1v)
21 or (1x), 948.02 (1) or (2), 948.025, 948.03, or 948.085 (2) if committed by an adult.

History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14, 253, 277, 344; 2007 a. 97, 116; 2009 a. 8, 28, 103, 137, 185, 302, 334; 2011 a. 32, 258; s. 35.17 correction in (3) (f) 4.

22 **SECTION 4.** 938.78 (3) of the statutes is amended to read:

1 938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile
2 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
3 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
4 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
5 or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,
6 941.294 (1), 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03,
7 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05,
8 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has
9 escaped from a juvenile correctional facility, residential care center for children and
10 youth, inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or
11 juvenile portion of a county jail, or from the custody of a peace officer or a guard of
12 such a facility, center, or jail, or has been allowed to leave a juvenile correctional
13 facility, residential care center for children and youth, inpatient facility, juvenile
14 detention facility, or juvenile portion of a county jail for a specified time period and
15 is absent from the facility, center, home, or jail for more than 12 hours after the
16 expiration of the specified period, the department or county department having
17 supervision over the juvenile may release the juvenile's name and any information
18 about the juvenile that is necessary for the protection of the public or to secure the
19 juvenile's return to the facility, center, home, or jail. The department shall
20 promulgate rules establishing guidelines for the release of the juvenile's name or
21 information about the juvenile to the public.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283; 1999 a. 9; 2001 a. 38, 59, 109; 2003 a. 292, 321; 2005 a. 25, 277, 293, 344, 406, 434; 2007 a. 20 ss. 3834, 9121 (6) (a); 2007 a. 97; 2009 a. 79, 302, 338; 2011 a. 32, 270.

22 **SECTION 5.** 939.632 (1) (e) 1. of the statutes is amended to read:

23 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
24 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,

1 941.20, 941.21, 941.294 (1), 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02
2 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.051, 948.055, 948.07, 948.08,
3 948.085, or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

History: 1995 a. 22; 2001 a. 109; 2005 a. 277; 2007 a. 116, 127; 2009 a. 180, 302.

4 **SECTION 6.** 941.291 (1) (b) of the statutes is amended to read:

5 941.291 (1) (b) "Violent felony" means any felony, or the solicitation, conspiracy,
6 or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01,
7 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20,
8 940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30,
9 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.29,
10 941.294 (1), 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06,
11 943.10 (2), 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87,
12 943.88, 943.89, 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04,
13 948.05, 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial
14 institution, as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or
15 attempt to commit a felony under s. 943.84 (1) or (2).

History: 2001 a. 95; 2003 a. 321; 2005 a. 212, 277; 2007 a. 97.

16 **SECTION 7.** 941.294 of the statutes is created to read:

17 **941.294 Prohibition on certain bullets.** (1) Whoever intentionally sells,
18 transports, manufactures, or possesses any hollowpoint bullet, bullet that expands
19 or flattens easily in the human body, or bullet with a hard envelope which does not
20 entirely cover the core or is pierced with incisions is guilty of a Class H felony.

21 (2) Subsection (1) does not apply to the possession of any bullet if any of the
22 following applies:

23 (a) The possession is by an individual engaged in law enforcement or forensics
24 and the possession is part of his or her official duties.

1 (b) The possession is for the purpose of disposition by an executor or
2 administrator of an estate.

3 (c) The possession is for the purpose of transporting the ammunition to a law
4 enforcement agency.

5 (d) The possession is by a member of the armed forces or national guard
6 personnel in the line of duty.

7 (e) The bullet is classified as antique by federal regulations.

8 **SECTION 8.** 946.82 (4) of the statutes[✓] is amended to read:

9 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
10 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission
11 of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,
12 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,
13 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),
14 940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and
15 (3), 941.26, 941.28, 941.294[✓](1), 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or
16 (2g), 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10,
17 943.20 (3) (bf) to (e), 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27,
18 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41
19 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81,
20 943.82, 943.83, 943.84, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c)
21 and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08,
22 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64,
23 946.65, 946.72, 946.76, 946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.

History: 1981 c. 280; 1983 a. 438; 1985 a. 104; 1985 a. 236 s. 15; 1987 a. 266 s. 5; 1987 a. 332, 348, 349, 403; 1989 a. 121, 303; 1991 a. 32, 39, 189; 1993 a. 50, 92, 94, 112, 280, 441, 491; 1995 a. 133, 249, 336, 448; 1997 a. 35, 79, 101, 140, 143, 252; 1999 a. 9, 150; 2001 a. 16, 105, 109; 2003 a. 36, 321; 2005 a. 212; 2007 a. 116, 196; 2009 a. 180; 2011 a. 174.

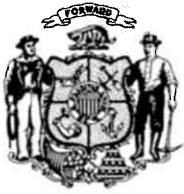
24 **SECTION 9.** 969.08 (10) (b) of the statutes is amended to read:

1 969.08 (10) (b) "Serious crime" means any crime specified in s. 943.23 (1m),
2 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,
3 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,
4 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,
5 1m., 1r., 2. or 3., 940.302 (2), 940.31, 941.20 (2) or (3), 941.26, 941.294 (1), 941.30,
6 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,
7 943.23 (1g), 943.30, 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88,
8 943.89, 943.90, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,
9 948.04, 948.05, 948.051, 948.06, 948.07, 948.085, or 948.30 or, if the victim is a
10 financial institution, as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2).

History: 1971 c. 298; 1977 c. 449; 1979 c. 112; 1981 c. 183; 1985 a. 293 s. 3; 1987 a. 90, 332, 399, 403; 1991 a. 153, 269; 1993 a. 50, 92, 94, 227, 441, 445, 491; 1997 a. 143, 180, 295; 1999 a. 32; 2001 a. 109; 2005 a. 212, 277; 2007 a. 97, 116.

11

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0894/P1
CMH:kjf:ph

Today

no changes

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

refer cut

1 AN ACT *to amend* 301.048 (2) (bm) 1. a., 938.208 (1) (a), 938.34 (4m) (b) 1., 938.78
2 (3), 939.632 (1) (e) 1., 941.291 (1) (b), 946.82 (4) and 969.08 (10) (b); and *to*
3 *create* 941.294 of the statutes; **relating to:** prohibition on certain bullets and
4 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law does not place restrictions on the type of ammunition or bullets an individual can possess. This bill prohibits a person, with certain exceptions such as for law enforcement, from selling, transporting, manufacturing, or possessing any hollowpoint bullet, any bullet that expands or flattens easily in the human body, or any bullet with a hard envelope that does not entirely cover the core of the bullet. An individual who violates the prohibition is guilty of a Class H felony and is subject to a fine of up to \$10,000, imprisonment of up to six years, or both. This bill also adds the new crime to lists of certain crimes that may increase the penalty or carry other consequences. For instance, this bill adds the crime to the list of violent crimes in a school zone so that if an individual sells, transports, manufactures, or possesses such ammunition on the premises of a school or within 1,000 feet from the premises of a school, the maximum term of imprisonment is increased by five years, and, in addition, a person who commits this crime may not possess body armor.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 301.048 (2) (bm) 1. a. of the statutes is amended to read:

2 301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195
3 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,
4 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (4) or (5), 940.195 (4)
5 or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1.
6 or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3), 940.45 (1)
7 to (3), 941.20 (2) or (3), 941.26, 941.294 (1), 941.30, 941.327, 943.01 (2) (c), 943.011,
8 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.30, 943.32, 946.43,
9 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07,
10 948.08, 948.085, or 948.30.

11 **SECTION 2.** 938.208 (1) (a) of the statutes is amended to read:

12 938.208 (1) (a) Probable cause exists to believe that the juvenile has committed
13 a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05,
14 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 941.294 (1), 943.02 (1), 943.23
15 (1g), 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025, 948.03, or 948.085
16 (2), if committed by an adult.

17 **SECTION 3.** 938.34 (4m) (b) 1. of the statutes is amended to read:

18 938.34 (4m) (b) 1. The juvenile has committed a delinquent act that would be
19 a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),
20 940.31, 941.20 (3), 941.294 (1), 943.02 (1), 943.23 (1g), 943.32 (2), 947.013 (1t), (1v)
21 or (1x), 948.02 (1) or (2), 948.025, 948.03, or 948.085 (2) if committed by an adult.

✓

1 **SECTION 4.** 938.78 (3) of the statutes is amended to read:

2 **938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES.** If a juvenile
3 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
4 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
5 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
6 or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,
7 941.294 (1), 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03,
8 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05,
9 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has
10 escaped from a juvenile correctional facility, residential care center for children and
11 youth, inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or
12 juvenile portion of a county jail, or from the custody of a peace officer or a guard of
13 such a facility, center, or jail, or has been allowed to leave a juvenile correctional
14 facility, residential care center for children and youth, inpatient facility, juvenile
15 detention facility, or juvenile portion of a county jail for a specified time period and
16 is absent from the facility, center, home, or jail for more than 12 hours after the
17 expiration of the specified period, the department or county department having
18 supervision over the juvenile may release the juvenile's name and any information
19 about the juvenile that is necessary for the protection of the public or to secure the
20 juvenile's return to the facility, center, home, or jail. The department shall
21 promulgate rules establishing guidelines for the release of the juvenile's name or
22 information about the juvenile to the public.

✓

23 **SECTION 5.** 939.632 (1) (e) 1. of the statutes is amended to read:

24 **939.632 (1) (e) 1.** Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
25 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,

941.20, 941.21, 941.294 (1), 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.051, 948.055, 948.07, 948.08, 948.085, or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

SECTION 6. 941.291 (1) (b) of the statutes is amended[✓] to read:

941.291 (1) (b) “Violent felony” means any felony, or the solicitation, conspiracy, or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20, 940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30, 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.29, 941.294 (1), 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial institution, as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or attempt to commit a felony under s. 943.84 (1) or (2).

SECTION 7. 941.294 of the statutes is created[✓] to read:

941.294 Prohibition on certain bullets. (1) Whoever intentionally sells, transports, manufactures, or possesses any hollowpoint bullet, bullet that expands or flattens easily in the human body, or bullet with a hard envelope which does not entirely cover the core or is pierced with incisions is guilty of a Class H felony.

(2) Subsection (1) does not apply to the possession of any bullet if any of the following applies:

(a) The possession is by an individual engaged in law enforcement or forensics and the possession is part of his or her official duties.

1 (b) The possession is for the purpose of disposition by an executor or
2 administrator of an estate.

3 (c) The possession is for the purpose of transporting the ammunition to a law
4 enforcement agency.

5 (d) The possession is by a member of the armed forces or national guard
6 personnel in the line of duty.

7 (e) The bullet is classified as antique by federal regulations.

8 **SECTION 8.** 946.82 (4) of the statutes is amended to read: ✓

9 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
10 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission
11 of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,
12 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,
13 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),
14 940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and
15 (3), 941.26, 941.28, 941.294 (1), 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or
16 (2g), 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10,
17 943.20 (3) (bf) to (e), 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27,
18 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41
19 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81,
20 943.82, 943.83, 943.84, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c)
21 and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08,
22 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64,
23 946.65, 946.72, 946.76, 946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.

24 **SECTION 9.** 969.08 (10) (b) of the statutes is amended to read: J

969.08 (10) (b) “Serious crime” means any crime specified in s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.302 (2), 940.31, 941.20 (2) or (3), 941.26, 941.294 (1), 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), 943.30, 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.085, or 948.30 or, if the victim is a financial institution, as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2).

(END)

Hanaman, Cathlene

From: Knocke, Ryan
Sent: Monday, February 18, 2013 11:14 AM
To: Hanaman, Cathlene
Subject: Rep. Goyke Revision Request to Rep. Kessler's LRB-0894 - RUSH ***

Cathlene-

I hope this message finds you well and that you had a good weekend. Rep. Kessler is out of the country and has asked Rep. Goyke to make changes to LRB Draft 0894. Since Rep. Kessler initiated circulation of this bill it has received a lot of feedback regarding its apparent conflict with DNR code pertaining to ammunition permitted for hunting.

To be clear, we do not want the bill to have any conflict with current hunting laws or regulations. The regulation that has been cited that it conflicts with is below.

Under s. NR 10.09 (1)(c)2., 'no person shall hunt any deer or bear with any air rifle, rim-fire rifle, any center-fire rifle less than .22 caliber, any .410 bore or less shotgun or handgun loaded with .410 shotgun shell ammunition or with ammunition loaded with nonexpanding type bullets or ammunition loaded with shot other than a single slug or projectile.'

Could work begin on this to make a change? Rep. Goyke has requested a rush on this. I appreciate any help that you can provide. Rep. Kessler is out of the country and we are trying to work on it in his absence.

Could the new draft be sent to us for review when it is done? Thank you so very much!

- Ryan

Ryan Knocke
Legislative Aide
Office of State Representative Evan Goyke
Telephone: (608) 266-0645



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0894/1
CMH:kjf:jm

2

2013 BILL

today

or to comply
with hunting
requirements

regulation

PDF
000
2/18

1 AN ACT *to amend* 301.048 (2) (bm) 1. a., 938.208 (1) (a), 938.34 (4m) (b) 1., 938.78
2 (3), 939.632 (1) (e) 1., 941.291 (1) (b), 946.82 (4) and 969.08 (10) (b); and *to*
3 *create* 941.294 of the statutes, **relating to:** prohibition on certain bullets and
4 providing a penalty.

for hunting
requirements

Analysis by the Legislative Reference Bureau

Current law does not place restrictions on the type of ammunition or bullets an individual can possess. This bill prohibits a person, with certain exceptions such as for law enforcement, from selling, transporting, manufacturing, or possessing any hollowpoint bullet, any bullet that expands or flattens easily in the human body, or any bullet with a hard envelope that does not entirely cover the core of the bullet. An individual who violates the prohibition is guilty of a Class H felony and is subject to a fine of up to \$10,000, imprisonment of up to six years, or both. This bill also adds the new crime to lists of certain crimes that may increase the penalty or carry other consequences. For instance, this bill adds the crime to the list of violent crimes in a school zone so that if an individual sells, transports, manufactures, or possesses such ammunition on the premises of a school or within 1,000 feet from the premises of a school, the maximum term of imprisonment is increased by five years, and, in addition, a person who commits this crime may not possess body armor.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

BILL

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 301.048 (2) (bm) 1. a. of the statutes is amended to read:

301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (4) or (5), 940.195 (4) or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.294 (1), 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.30, 943.32, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.

SECTION 2. 938.208 (1) (a) of the statutes is amended to read:

938.208 (1) (a) Probable cause exists to believe that the juvenile has committed a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 941.294 (1), 943.02 (1), 943.23 (1g), 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025, 948.03, or 948.085 (2), if committed by an adult.

SECTION 3. 938.34 (4m) (b) 1. of the statutes is amended to read:

938.34 (4m) (b) 1. The juvenile has committed a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 941.294 (1), 943.02 (1), 943.23 (1g), 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025, 948.03, or 948.085 (2) if committed by an adult.

BILL

SECTION 4. 938.78 (3) of the statutes is amended to read:

938.78 (3) **RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES.** If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.294 (1), 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from a juvenile correctional facility, residential care center for children and youth, inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile portion of a county jail, or from the custody of a peace officer or a guard of such a facility, center, or jail, or has been allowed to leave a juvenile correctional facility, residential care center for children and youth, inpatient facility, juvenile detention facility, or juvenile portion of a county jail for a specified time period and is absent from the facility, center, home, or jail for more than 12 hours after the expiration of the specified period, the department or county department having supervision over the juvenile may release the juvenile's name and any information about the juvenile that is necessary for the protection of the public or to secure the juvenile's return to the facility, center, home, or jail. The department shall promulgate rules establishing guidelines for the release of the juvenile's name or information about the juvenile to the public.

SECTION 5. 939.632 (1) (e) 1. of the statutes is amended to read:

939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,

BILL

941.20, 941.21, 941.294 (1), 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.051, 948.055, 948.07, 948.08, 948.085, or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

SECTION 6. 941.291 (1) (b) of the statutes is amended to read:

941.291 (1) (b) "Violent felony" means any felony, or the solicitation, conspiracy, or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20, 940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30, 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.29, 941.294 (1), 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial institution, as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or attempt to commit a felony under s. 943.84 (1) or (2).

SECTION 7. 941.294 of the statutes is created to read:

941.294 Prohibition on certain bullets. (1) Whoever intentionally sells, transports, manufactures, or possesses any hollowpoint bullet, bullet that expands or flattens easily in the human body, or bullet with a hard envelope which does not entirely cover the core or is pierced with incisions is guilty of a Class H felony.

(2) Subsection (1) does not apply to the possession of any bullet if any of the following applies:

(a) The possession is by an individual engaged in law enforcement or forensics and the possession is part of his or her official duties.

action

BILL

1

(b) The ^{transportation or}possession is for the purpose of disposition by an executor or administrator of an estate.

2

3

(c) The ^{action}possession is for the purpose of ^{providing or}transporting the ammunition to a law enforcement agency.

4

5

(d) The ^{transportation or}possession is by a member of the armed forces or national guard personnel in the line of duty.

6

7

(e) The bullet is classified as antique by federal regulations.

8

SECTION 8. 946.82 (4) of the statutes is amended to read:

9

946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961

10

(1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission

11

of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,

12

134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,

13

221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),

14

940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and

15

(3), 941.26, 941.28, 941.294 (1), 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or

16

(2g), 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10,

17

943.20 (3) (bf) to (e), 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27,

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943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41

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(8) (b) and (c), 943.50 (4) (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81,

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943.82, 943.83, 943.84, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c)

21

and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08,

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946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64,

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946.65, 946.72, 946.76, 946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.

24

SECTION 9. 969.08 (10) (b) of the statutes is amended to read:

BILL

969.08 (10) (b) “Serious crime” means any crime specified in s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.302 (2), 940.31, 941.20 (2) or (3), 941.26, 941.294 (1), 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), 943.30, 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.085, or 948.30 or, if the victim is a financial institution, as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2).

(END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0894/2ins
CMH:.....

1 Insert 5-7

2 (e) The action is by a person who is complying with any rule promulgated by
3 the department of natural resources that requires an individual to hunt deer or bear
4 with the bullets or ammunition.